

IN THE UNITED STATES PATENT OFFICE

In re Application of

HANSEN ET AL

Serial No.: 08/491,892

Filed: July 14, 1995

Title: NEW CRYSTALLINE FORM  
OF A VITAMIN D ANALOGUE

Allowed: December 3, 1998

Batch No. U80

Group Art Unit: 1209

Examiner: Badio

February 25, 1998

SUBMISSION UNDER RULE 312

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

In the Notice of Allowability, the Examiner states (page 2):

"The oath or declaration is defective because:  
It does not state that the person making the oath or declaration acknowledges  
the duty to disclose to the Office all information known to the person to be  
material to patentability as defined in 37 CFR 1.56."

The Examiner then goes on to say that:

"The declaration recites 'the duty to disclose information which is material to  
the examination of this application in accordance with Title 37, Code of  
Federal Regulations, § 1.56'. 37 CFR 1.56 states the disclosure of information  
which is material to the patentability and not to the examination of the  
application."

The applicants do not understand the Examiner's objection because the declaration as  
filed says exactly what the Examiner requires, i.e. "material to patentability". See the


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*(me)*

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attached copy of the declaration as marked in the margin. Withdrawal of the objection or clarification thereof is requested.

Respectfully submitted,

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